

Mailed: September 19, 2008

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Communications Division
Licensing and Tariffs Branch**

**RESOLUTION T-17168
September 18, 2008**

R E S O L U T I O N

Resolution T-17168. Revocation of Eight (8) Certificates Issued to Carriers with Various Authorities for Failure to Comply with Public Utility Code Section 401, Specifically the Filing of Public Utilities Commission Reimbursement Account Reports and the Remitting of Applicable Fees.

Summary

This resolution revokes carriers' authorities held by the companies listed in Appendix A, for failure to comply with Public Utilities Code Section 401.

Background

The California Public Utilities Commission (Commission), pursuant to Public Utilities Code Section 401, and following sections, (Public Utilities Commission Reimbursement Fees), requires telephone companies to file reports with the Commission, either annually or quarterly depending on the level of carriers' California revenue, which show the amount of California Intrastate revenue earned. The carrier is required to remit PUC (Public Utilities Commission) User fees on the intrastate revenue it receives. Further, if the carrier is in default of the submission and/or payment of fees for more than 30 days, the Commission may suspend or revoke the certificate of public convenience and necessity, permit, or other operating authority of a person or corporation that is in default of the submission of any report or the payment of any fee required by Section 401, and following sections, of the Public Utilities Code. Carriers having zero (0) intrastate revenue are still required to file an annual report indicating this zero revenue.

The following steps were taken to locate the companies and determine their status:

1. Communications Division (CD) determined that the carriers are at least 90 days late in filing annual financial reports with the Commission.

2. CD attempted to contact all the carriers on this list by telephone and e-mail. Correspondence sent to the last known address of every carrier on this list was either returned to CD staff by the post office or unanswered.
3. Notice of company names was placed in the Commission Calendar for 30 days. Interested parties were invited to call CD staff with questions or comments on these carriers' locations, but CD was not contacted by these companies.

Discussion

This resolution lists authorities granted to various firms. In numerous instances, a single firm possesses more than one authority to provide telecommunications services in California. The authorities revoked by this resolution are listed in Appendix A to this resolution.

These companies may owe PUC User Fees to the PUC Utilities Reimbursement Account as well as collected Public Program surcharges. Therefore, the Legal Division may, if it chooses, pursue the companies for any owed fees and/or surcharges.

Communications Division's draft resolution in this matter was noticed in the Commission's Daily Calendar of August 19, 2008, in accordance with PU Code Section 311(g) (1).

Notice

Notice of company names was placed on the Commission Calendar for 30 days. Interested parties were invited to contact CD staff with questions or comments. CD received one response from a carrier on the list inquiring about how to file annual financial reports with the California Public Utilities Commission.

Findings

1. The companies listed in Appendix A are certificated or registered by the Commission as telecommunications providers.
2. Proper measures were taken by Communications Division staff to locate the companies listed in Appendix A. For the companies that have failed to respond

to CD's communications, it is reasonable to assume that these companies are no longer providing public utility service in California.

3. The companies have not timely filed PUC User Fee reports for at least the past year.
4. These companies may also owe additional Public Program surcharges. The Legal Division may pursue action against the companies, if it chooses, for any owed PUC User fees and Public Program surcharges.
5. The companies' various telecommunications operating authorities should be revoked and their Utility Identification Numbers should be cancelled under P.U. Code Section 405 for failure to comply with P. U. Code Sections 431 through 435.

THEREFORE, IT IS ORDERED that:

1. The telecommunications operating authorities granted to the carriers listed in Appendix A are revoked.
2. The carriers' Utility Identification Numbers are canceled and will not be reissued.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on September 18, 2008. The following Commissioners approved it:

/s/ Paul Clanon

PAUL CLANON
Executive Director

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON

Resolution T-17168
CD/ks1

Commissioners

Appendix A
List of Carriers to be Revoked

	U Number	Type of Authority¹	Carrier Name
1	5001	IEC	AMERITEL
2	5122	IEC	UNITED COMMUNICATIONS INC
3	5145	IEC	GTE MOBILNET OF SANTA BARBARA
4	5166	IEC	FIBER DATA SYSTEMS
5	5173		INCOMNET COMMUNICATIONS CORPORATION
6	5290	CLR	FIBERNET
7	5314	IEC	LINKATEL OF CALIFORNIA LP.
8	5338	IEC	MOUNTAIN CELLULAR INC.

¹ CLC - Competitive Local Carrier; CLR - Competitive Local Reseller; IEC - Inter-Exchange Carrier; IER - Inter-Exchange Reseller.